

Anticipated Classification  
of this Application:  
Class \_\_\_\_\_ Subclass \_\_\_\_\_

Prior Application:  
Examiner J.S. Parkin  
Group Art Unit 1648

Attorney's  
Docket  
No. 2048/59331-E/JPW/MAF

Small Stop Patent Applications  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

February 18, 2004

SR:

This is a request for filing a ☒ CONTINUATION

☐ DIVISIONAL ☐ CONTINUATION-IN-PART application under

☒ 37 C.F.R. §1.53(b) ☐ 37 C.F.R. §1.53(d), of pending prior application

Serial No. 09/602,864 filed on June 23, 2000 of

James M. Binley, Norbert Schuelke, William C. Olson, Paul J. Maddon and John P. Moore for  
Inventor(s)

STABILIZED VIRAL ENVELOPE PROTEINS AND USES THEREOF  
Title of Invention

1. ☒ Enclosed is a copy of the prior application, as originally filed and an affidavit or declaration verifying it as a true copy.
2. ☐ A verified statement to establish small entity status under 37 C.F.R. §1.9 and 1.27  
☐ is enclosed.  
☒ was filed in the prior application and such status is still proper and desired (37 C.F.R. §1.28(a)).
3. ☒ The filing fee is calculated as follows:

CLAIMS AS FILED, LESS ANY CLAIMS CANCELLED BY AMENDMENT

	NUMBER FILED		NUMBER EXTRA*		RATE		FEE		
					SMALL ENTITY	OTHER ENTITY		SMALL ENTITY	OTHER ENTITY
Total Claims	78-20	=	58	X	9	18	=	\$ 522	\$
Independent Claims	2-3	=	0	X	43	86	=	\$ 0	\$
Multiple Dependent Claims Presented:           X Yes       No					145	290	=	\$ 145	\$
*If the difference in Col. 1 is less than zero, enter "0" in					BASIC FEE			\$ 385	\$ 770
					TOTAL FEE			\$ 1,052	\$

\*If the difference in Col. 1 is less than zero, enter "0" in Col. 2.

<sup>1</sup> filing an application pursuant to this section expressly abandons the parent application.

17548 U.S. PTO  
10/780993

021804

X The Commissioner is hereby authorized to charge payment of the following fees associated with this application or credit any overpayment to Deposit Account No. 03-3125.

X Any additional filing fees required under 37 C.F.R. §1.16.

X Any patent application processing fees under 37 C.F.R. §1.17.

       The issue fees set forth in 37 C.F.R. §1.18 at or before mailing of the Notice of Allowance, pursuant to 37 C.F.R. §1.311(b).

5. X Three copies of this sheet are enclosed.

6. X A check in the amount of \$ 1,052.00 is enclosed.

7.        Cancel claims       .

8.        Amend the specification by inserting before the first line the sentence: --This is a        continuation        division of application Serial No.       , filed        ---

9. X 20 Sheet(s) of        informal X formal drawing(s) is/are enclosed.

10.        Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file.

11.        Priority of application No.        filed on        in        (country) is claimed under 37 U.S.C. §119.

       The certified copy of the priority application has been filed in prior application Serial No.       , filed       .

12. X The prior application is assigned of record to Progenics Pharmaceuticals, Inc. and Aaron Diamond AIDS Research Centre.

13. X A preliminary amendment is enclosed.

14. X The power of attorney in the prior application is to:

John P. White (Reg. No. 28,678); Christopher C. Dunham (Reg. No. 22,031); Norman H. Zivin (Reg. No. 25,385); Jay H. Maioli (Reg. No. 27,213); William E. Pelton (Reg. No. 25,702); Robert D. Katz (Reg. No. 30,141); Peter J. Phillips (Reg. No. 29,691); Wendy E. Miller (Reg. No. 35,615); Richard S. Milner (Reg. No. 33,970); Robert T. Maldonado (Reg. No. 38,232); Paul Teng (Reg. No. 40,837); Richard F. Jaworski (Reg. No. 33,515); Alan J. Morrison (Reg. No. 37,399); Mark A. Farley (Reg. No. 33,170); Pedro C. Fernandez (Reg. No. 41,741); Gary J. Gershik (Reg. No. 39,992); Alan D. Miller (Reg. No. 42,889); Frank Bruno (Reg. No. 46,583); and Christine M. Nickles (Reg. No. 51,103)

- (a)   X   The power appears in the original papers in the prior application.
- (b)        Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- (c)   X   Address all future communications to:  
(May only be completed by applicant,  
or attorney or agent of record.)

John P. White

Cooper & Dunham LLP

1185 Avenue of the Americas

New York, New York 10036

15.   X   Also enclosed is an Express Mail Certificate bearing label No. EV 305 641 945, dated February 18, 2004, recorded Assignments from Serial No. 09/602,864; Verified Statements (Declarations) Claiming Small Entity Status from Serial No. 09/602,864.
16.        I hereby verify that the attached papers are a true copy of prior application Serial No.                      as originally filed on                     .

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statement and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

2-18-04  
Date

Mark A. Farley  
Signature John P. White (Reg. No. 28,678)  
Mark A. Farley (Reg. No. 33,170)

       INVENTOR(S)  
       ASSIGNEE OF COMPLETE INTEREST  
  X   ATTORNEY OR AGENT OF RECORD  
       FILED UNDER 37 C.F.R. §1.34(a)

Address of Signator:

Cooper & Dunham LLP

1185 Avenue of the Americas

New York, New York 10036

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: James M. Binley, et al.  
Serial No.: Not Yet Known (continuation of U.S.  
Serial No. 09/602,864,  
filed June 23, 2000)  
Filed : Herewith  
For : STABILIZED VIRAL ENVELOPE PROTEINS AND USES  
THEREOF

1185 Avenue of the Americas  
New York, New York 10036  
February 18, 2004

Mail Stop Patent Application  
Commissioner for Patents  
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EXPRESS MAIL CERTIFICATE OF  
MAILING FOR ABOVE-IDENTIFIED APPLICATION

"Express Mail" mailing label number: EV 305 641 945 US  
Date of Deposit: February 18, 2004

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. '1.10 on the date indicated above and is addressed to the Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Printed Name: James M. Binley  
JAMES M. BINLEY

Respectfully submitted,

Mark A. Farley

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